

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-160

v.

HON. JANET T. NEFF

JASON WOMACK,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Jason Womack has filed a motion for modification or reduction of sentence (Dkt 101) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 109) and Defendant has filed a Response (Dkt 113).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 109) and Defendant's response (Dkt 113), the Court has determined that the defendant is ineligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission. Pursuant to

Amendment 782, no further reduction is granted as the statutory mandatory minimum controls the sentence.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 101) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: September 23, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge